

REMARKS

By this Amendment, claims 1-13 are cancelled, without prejudice to or disclaimer of the subject matter recited therein, and new claims 14-29 are added. Accordingly, claims 14-29 are pending in this application. No new matter is added. It is respectfully submitted that at least claims 14, 16 and 18-29 read on the elected species.

Reconsideration of the application is respectfully requested.

Applicants gratefully acknowledge that claims 6-7, 9-10 and 12-13 are indicated as containing allowable subject matter. However, claims 6-7, 9-10 and 12-13 are now cancelled.

The Office Action requests the addition of titles to the specification. The specification is amended to comply with the request.

Claims 1, 5-7, 9-10 and 12-13 are objected to because of the reference numerals in the claims. New claims 14-29 do not include reference numerals. Accordingly, withdrawal of the objection is respectfully requested.

Claims 1, 5-7, 9-10 and 12-13 stand rejected under 35 U.S.C. §112, second paragraph, as indefinite. This rejection is moot with respect to cancelled claims 1, 5-7, 9-10 and 12-13. Further, it is respectfully submitted that claims 14-29 fully comply with 35 U.S.C. § 112. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 1, 5 and 13 stand rejected under 35 U.S.C. §102(b) over European Patent No. EP 0405039 to Poirier. This rejection is respectfully traversed.

The rejection based on Poirier is improper. First, the Examiner is relying on a foreign language document without providing an English language translation. Thus, the record is unclear as to the precise facts the Examiner is relying upon in support of the rejection. As stated in MPEP §706.02, "[i]f the document is in a language other than English and the examiner seeks to rely on that document, a translation must be obtained so that the record is

clear as to the precise facts the Examiner is relying upon in support of the rejection."

(emphasis added)

Second, even if an English language translation of Poirier were provided, the Office Action fails to particularly set forth the basis of the rejection. Instead, the Office Action merely refers to "Figs. 1-3" of Poirier. Although these figures explicitly provide reference numerals that could be utilized by the Office Action, the Office Action fails to even attempt to correlate the features shown in these figures with the features recited in the rejected claims. Applicants should not have to speculate which features shown in Figs. 1-3 of Poirier are being relied upon to allegedly anticipate the rejected claims.

Therefore, the rejection of claims 1, 5 and 13 is improper. Further, the rejection of claims 1, 5 and 13 is moot in view of the cancellation of these claims. Accordingly, withdrawal of the rejection is respectfully requested.

Assuming arguendo that element 2 and the portion 6 of element 1 shown in Figs. 2 and 3 of Poirier are being relied upon by the Examiner to allegedly teach a body, a locking means and a tubular sheath, it is respectfully submitted that the portion 6 of Poirier is not a locking means as recited in independent claim 14.

It should be noted that the locking means recited in claim 14 is broader than the locking means recited in original claim 1. The language of claim 14 differs from original claim 1 only to correct the formal matters noted above and to modify other features to reflect an actual commercial embodiment. Thus, the claims are not narrowed for patentability over Poirier.

As recited in independent claim 14, the locking means prevents the body from moving relative to the sheath in the active position. The portion 6 of element 1 does not prevent element 2 from moving relative to element 1. As shown in Fig. 2 of Poirier, element 2 may move relative to element 1 by further compressing the spring 5.

Therefore, it is respectfully submitted that claim 14 is patentable over Poirier.

Further, it is respectfully submitted that claims 15-29 are patentable at least in view of the patentability of claim 14 from which they depend, as well as for the additional features they recite.

In view of the patentability of claim 14, it is respectfully submitted that the pending claims that do not correspond to the elected species should be rejoined.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 14-29 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:
Petition for Extension of Time

Date: August 25, 2003

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